

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL, ON WEDNESDAY, MAY 5, 1993.

Members

Present: Patrick J. Gilmartin, Chairman
William Bush, Secretary
Robert Buford
Joseph Elliot
Peter Lilienfield

Also

Present: Kevin J. Plunkett, Esq., Village Counsel
Ralph G. Mastromonaco, Consultant to the Planning Board
Florence Costello, Recording Secretary
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered: 93-04 - Vahid & Mashid Noshirvani
Sht. 7B, Bl. 249, Lot 6, 6A
93-05 - Eung Kim
Sht. 15, Lot(s) 125, 127F, 135A
93-06 - Nicholas Mastronardi
Sht. 13, Lot 131
93-13 - Linda & Jon M. Jenkins
Sht. 15, Lot(s) P-136, P-136B
93-14 - Paul H. Goddard
Sht. 13A, Lot(s) P-135A2, 138A

The Chairman called the meeting to order at 8:00 P.M.

IPB Matter #93-13: Application of Linda and Jon M. Jenkins for Site Development Plan Approval for property at 21 Roland Road.

Mr. Jenkins appeared personally for the Application. Applicant paid a fee of \$250.00 for an Application for Site Development Plan approval and furnished evidence of mailing of required Notice to Affected Property Owners. The Jenkins plan to enlarge a family room to add approximately 125 sq. ft., and a deck approximately 11 ft. x 16 ft., to their home located on one-half acre. Mr. Jenkins acknowledged that proposed addition would require a zoning variance due to the fact that the addition would not conform to the applicable side yard requirements.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously carried, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition and alteration meets conditions which permit Site Development Plan approval to be waived in that (1) special conditions peculiar to the site exist which make submission of the information normally required as part of an application for Site Development Plan approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application subject to Zoning Board of Appeals approval.

IPB Matter #93-14:

Application of Paul H. Goddard for Site Development Plan Approval for property at 48 Osceola Avenue.

Mr. Goddard appeared personally for the Application. Applicant paid the required \$250.00 application fee and furnished evidence of mailing of required Notice to Affected Property Owners. Proposed development consists of an addition to a one family residence to increase the size of the kitchen by 320 square feet.

The Chairman, with the Board's concurrence, stated that the project described in the Application was an appropriate one for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined this application to be a Type II Action under SEQRA and therefore the filing of an Environmental Impact Statement is not necessary.

After discussion, on motion duly made, seconded and unanimously carried, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #93-05:

Application of Eung Lim Kim for Subdivision Approval for property at 205 South Broadway.

Gerald D. Reilly, Esq., represented the Applicant. The Chairman stated that he had received on behalf of the Planning Board a letter dated May 3, 1993 from Arnold R. Streisfeld, P.C., attorney for Dr. Jeffrey and Judy Goldstein, expressing concerns relating to a subdivision approval for the Kim property. The Chairman also noted that Mr. Reilly had furnished the Planning Board with a response on behalf of Dr. Kim to the points raised in the Goldstein's letter.

The Chairman described various prior proceedings and litigation relating to the application including the action taken by the Planning Board at its March meeting declaring the application to be an unlisted action under SEQRA and deciding to follow the uncoordinated review process and further declaring itself the lead agency, under SEQRA. The Chairman also noted that based on advice from Mr. Plunkett there were no requirements for a zoning variance as to lot coverage with respect to the property since it met the 1F-40 requirements, which Mr. Plunkett said were the applicable requirements because the property had been up-zoned since the original variance granted by the Zoning

Board of Appeals and discussed in the recent court decision which is part of the record.

The Chairman next reviewed in detail the Goldstein's letter and Mr. Reilly's response. He also reviewed a prior memorandum from Mr. Mastromonaco relating to the property. The Chairman stated that Mr. Reilly had prepared and submitted to the Planning Board for its approval a form of resolution granting preliminary approval for the subdivision subject to compliance with various terms and conditions set forth therein and the payment of applicable fees. As there was no comment from the public or further questions from the Planning Board, the Chairman recommended that the Planning Board grant preliminary approval subject to the finalization of the specific terms of the resolution submitted by Mr. Reilly, including its approval by the Village Counsel, by June 15, 1993. After discussion on motion duly made, seconded and carried with Mr. Bush abstaining, the Planning Board approved the Chairman's recommendation.

IPB Matter #93-04:

Application of Vahid and Mashid Noshirvani for Site Development Plan Approval for property at 60 West Clinton Avenue.

Robert Reilly, Architect, and Mr. Noshirvani appeared on behalf of the application. The Chairman referred to new site plan drawings dated April 26, 1993 submitted by Mr. Reilly. A discussion ensued concerning the revised plans including the relocation of utility lines to preserve several large trees located on the property. The Board also reviewed a memorandum from Mr. Mastromonaco dated April 7, 1993 relating to the proposed subdivision of the property. In the course of the discussion concerning the points raised in the memorandum Mr. Reilly agreed on behalf of Mr. Noshirvani to make certain changes to the plan including paving the driveway from the public street into the property for 20 feet. Other changes discussed included a suggestion to reduce the width of the proposed driveway from 40 feet to 39 feet. At the conclusion of the discussion, Mr. Reilly agreed to deliver revised plans to the Planning Board before its next meeting at which time the Board would schedule a public hearing with respect to the application.

IPB Matter #93-06:

Application of Nicholas Mastronardi for Subdivision Approval for property at 33 Ardsley Avenue East.

Richard T. Blancato, Esq., represented the Applicant. The Chairman noted that this application for a two lot subdivision had previously been approved by the Planning Board but the

project had been delayed due to the sewer moratorium. Mr. Blancato stated that the only change from the prior plan approved by the Board involved moving the dividing line between the two lots to make them of approximately equal size.

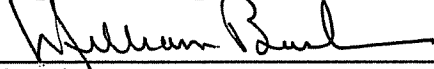
After discussion, upon motion duly made, seconded and unanimously carried the Board determined the Application for Site Development Approval to be complete and noticed a public hearing on the Application for the next meeting of the Planning Board to be held on June 2, 1993.

The Board then considered the following administrative matters:

- Minutes of Planning Board held on January 6, 1993, February 10, 1993 and March 3, 1993 (subject to certain changes suggested by the Chairman) previously distributed, were, on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for Wednesday, June 2, 1993.

There being no further business the meeting was adjourned.

Respectfully submitted,




William Bush, Secretary

CORRECTION TO PAGE 5 OF THE MAY 5, 1993 MINUTES

IPB MATTER #93-06:

Application of Nicholas Mastronardi for
Subdivision Approval for property at 33
Ardsley Avenue East.

After discussion, upon motion duly made, seconded and unanimously carried, the Board determined the Application to be complete and therefore officially submitted in accordance with Section 207-9 C. of the Village Code and directed Mr. Blancato to serve as required by said Section 207-9 C. a notice upon each Affected Property Owner that, among other things, the proposed preliminary layout would be discussed by the Planning Board with the Applicant at the Planning Board's meeting on June 2, 1993.



William Bush, Secretary

August 4, 1993